


## MEMORANDUM

To: Tim  
From: Scott   
Date: July 6, 1998

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Department of Water Resources

Subject: Water use at 34-00470A, Reno

I spoke with Doug Rosenkrance on June 24, during a well flow measurement of Aslett and Reno's shared well, about Speck's letter regarding water use under 34-00470A. Doug replied to the letter (attached) and apparently addressed any concerns. After the well tests, Mr. Johnson took me to the diversion point from Upper Fish Hatchery Canal, plotted on the attached map, and explained that he and Reno divert from the Canal at this point. Water flows north and east through various laterals to the places of use.

SPECK & AANESTAD

A PROFESSIONAL CORPORATION  
ATTORNEYS

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

TELEPHONE  
(208) 726-4421  
FACSIMILE  
(208) 726-0752

JAMES P. SPECK  
DOUGLAS J. AANESTAD  
BENJAMIN W. WORST

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APR 30 1998

April 29, 1998

Department of Water Resources

Mr. Karl J. Dreher, Director  
Idaho Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise ID 83720-9000

*Re: Water Right No. 34-00470A - Lynn D. Reno*

Dear Director Dreher:

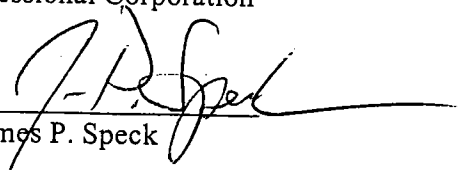
Enclosed you will find a copy of the Order of Partial Decree for Water Right No. 34-00470A. The water right is to be diverted from Warm Springs Creek through what is known as the Upper Fish Hatchery Canal and used on 74 acres belonging to Dr. Lynn D. Reno. The issue of the proper point of diversion for this water right was contested by my clients, David R. Stoecklein, Mary J. Stoecklein, Walter J. Stoecklein, Shelly Stoecklein and Bar Horseshoe Cattle and Livestock Company. We argued that the Upper Fish Hatchery Canal was not the proper point of diversion as water diverted into that Canal was not actually being delivered to the Reno property. Special Master Bilyeu concluded otherwise and issued the Partial Decree.

The 1998 irrigation season has begun and this right is presently being diverted into the Upper Fish Hatchery Canal. However, my clients do not believe it is being delivered to the Reno property. If so, the water right is not being used in conformance with the Partial Decree. We request IDWR investigate this matter. If the water right is not being used on the Reno property, we further request IDWR take appropriate action pursuant to Idaho Code Section 42-351 to require compliance with the Partial Decree.

Please give this matter your immediate attention. Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By:   
James P. Speck

JPS:rsd  
enclosure  
cc: Dave Stocklein, w/encl.  
Scott Campbell, w/encl.  
Doug Rosencrantz, w/encl.

Water District #34  
P.O. Box 53  
Mackay, Idaho 83251

5/04/98 *(initials)*

Speck & Aanestad,  
James P. Speck  
120 East Avenue  
P.O. Box 987  
Ketchum, Idaho 83340

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MAY 06 1998

Department of Water Resources

Re: Water Right No. 34-00470A Lynn D. Reno

Dear Mr. Mr. Speck,

This is in response to the letter that you recently wrote to Mr. Karl Dreher dated 4/29/98 regarding the use of the water going down the Fish Hatchery Ditch, specifically to Mr. Lynn D. Reno.

As of 4/30/98, no irrigation water has been called for by Mr. Reno. The only water going down that ditch was stock water. The irrigation season for Water District #34 does not start until 5/1/98.

The Fish Hatchery Ditch was shut off the last week of April to be cleaned.

If you need any further information regarding this situation, please feel free to contact my office at 208-588-3137.

Thank you.

Sincerely,

*Doug Rosenkrance*  
Doug Rosenkrance  
Watermaster

cjr

cc: Karl Dreher  
Scott Campbell

